REMARKS

Claims 1-30 are pending. Applicants amend claims 1, 5 and 6. Please consider the following remarks responsive to the Office Action mailed November 15, 2006, prior to continued examination.

Seat bun molds are often curved or otherwise shaped or contoured and the sidewalls of the trench for receiving the fastener product are correspondingly contoured. The marginal portions of prior art products typically contact only the top edge of the trench or merely contact a flat surface adjacent the trench. Such contact does not amount to "sealingly conforming to the mold" as described and claimed. To sealingly conform to the mold, the selvedges deflect simultaneously in multiple directions according to the shape or contour of the seat bun mold and trench, such as along the shaped length of the trench and upward within the trench, to "lie flat in face-to-face contact with a mold surface." (Specification page 9, line 30). This is particularly important, for example, when "the trench has curved side walls, the selvedges conforming to arcuate surfaces of the trench side walls." (Specification page 3, lines 29-30).

Thus, conforming selvedges do not merely contact a single point or edge of a flat mold surface, but deflect to remain in face-to-face contact with a shaped or contoured surface of the mold. Use of film as recited in amended claim 1 allows the selvedges to conform to the mold as claimed and described. Applicants note that the recitation of film selvedges was originally presented in claim 5.

Rejections under Section 102 (b)

Claims 1, 2, 18-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Shimamura et al (Shimamura). Claims 1, 3-6, 9-11, 15, 17-19 and 24 stand rejected as being anticipated by Northrup et al (Northrup). Claims 1, 3-7, 9, 15, 17 and 23-28 stand rejected as being anticipated by Morse et al (Morse). Applicants respectfully traverse these rejections as set forth below.

Shimamura, Northrup and Morse each disclose various mold-in fastener products. For example, Shimamura discloses a product with grooves to allow for flexure of marginal portions

that are integrally formed with the fastening member. (col. 9, lines 14-15). According to Shimamura, formation of the disclosed fastening member with "no grooves . . . was insufficient in flexibility of the marginal portions." (col. 9, lines 62-64). Thus, Shimamura clearly lacks the claimed "film secured to the upper face of the base . . . of a significantly lesser stiffness than the stiffness of the central portion of the base for flexure of the selvedges to sealingly conform to a mold surface" as recited in claim 1. Applicants note that Shimamura was not cited against claim 5 and the amendments to claim 1 relate to the film originally recited in claim 5.

Northrup is directed towards a temporary protective cover over the heads of the fastening elements and otherwise includes "like the prior art fastener assemblies, . . . (3) an open porous permanent attachment layer 22 attached to the second major surface 16 of the backing strip 12 by a layer of adhesive 23, which permanent attachment layer has sufficient open areas to afford movement of foam into it to permanently attach the fastener assembly to a foamed article." (col. 3, line 15-21). The marginal portions of the product are defined by "permanent attachment layer 22 or 22a [and] is preferably of fine denier polypropylene fibers." (col. 4, lines 17-20). Thus, Northrup discloses, at most, a porous layer that is selected, in particular, to afford movement of foam into the pores of the attachment layer. The very purpose of the claimed temporary protective cover for the fastener heads, to prevent intrusion of the molded foam, belies the inability of the attachment layer to sealingly conform to the mold surface, since the intruding molded foam enters the fastener heads between the attachment layer and the mold surface. Accordingly, Northrup clearly lacks the claimed "film secured to the upper face of the base . . . of a significantly lesser stiffness than the stiffness of the central portion of the base for flexure of the selvedges to sealingly conform to a mold surface" as recited in claim 1.

As with other conventional prior art products, the Morse product employs a porous "foam layer 14 [that] is adhesively attached to the other face of the fastener strip 10 and [that] extends beyond the edges of the fastener strip 10." (col. 2, lines 62-65). While the foam layer is shown in Fig. 4 to deflect upward from within the trench, mere unidirectional deflection from a point contact with the trench does not amount to "sealingly conforming to the mold."

In contrast, amended claim 1 recites a fastening member in which the "selvedges comprise a film secured to the upper face of the base and are of a significantly lesser stiffness

than the stiffness of the central portion of the base, for flexure of the selvedges to sealingly conform to a mold surface," which is not taught or suggested by Morse. (emphasis added).

Nowhere is film discussed as a selvedge in the cited references. Accordingly, neither Shimamura, Northrup nor Morse disclose each and every element of claim 1, and dependent claims 2-30, which depend therefrom. Accordingly, Applicants request withdrawal of the rejections under §102(b).

Rejections under Section 103 (a)

Claims 14-17, 21-23, 29 and 30 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Shimamura. Claims 7, 8, 14, 16, 20, 21, 23 and 25-30 stand rejected as being unpatentable over Northrup. Claims 10-14, 16, 18-22, 29 and 30 stand rejected as unpatentable over Morse.

As with the three cited references, prior art products typically employed foam or porous fabric marginal portions, which may provide a small degree of bending or deflecting capability, but which are selected largely for the porosity of the foam or fabric for attachment to the molded foam bun. One of ordinary skill in the art, in possession of the cited references, would not be motivated to move away from the conventional use of porous materials as an attachment layer and towards a film for sealingly conforming to the mold. The structures of porous materials and pliable films are distinct, and the attendant benefits provided by films would not be considered by practitioners who traditionally considered porosity superior for attachment to the injected foam. None of the cited references suggest use of a very thin separate film selvedge to "sealingly conform to a mold surface." The contour conforming provided by Applicants invention is clearly of a different nature than the attachment utility of the porous layers addressed by the prior art.

Similarly, the thin foam layer of Morse "tends to partially absorb some of the pre-polymer [and] has sufficiently small cell opening that it re-directs the mass of the pre-polymer liquid away from the hooks 12, thus acting as a gasket to prevent substantial penetration of the pre-polymer." (col. 3, lines 46-55) (emphasis added). The prior art attachment layers served additionally to absorb material as absorbent gaskets to prevent the material from reaching the hooks. Thus, at least two benefits of a porous foam or fabric material, (1) attachment utility and

(2) absorption as a gasket, would have prevented those of skill in the art from considering a film for use in forming the selvedges as recited.

Thus, Shimamura, Northrup, and Morse fail, alone and in combination, to teach or suggest the claimed touch fastener products in which the "selvedges comprise a film secured to the upper face of the base and are of a significantly lesser stiffness than the stiffness of the central portion of the base, for flexure of the selvedges to sealingly conform to a mold surface," as recited in claim 1. Without such a teaching or suggestion, the cited references fail to support a *prima facie* case of obviousness. Applicants therefore request that the rejections under §103 be withdrawn.

Conclusion

Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims. Applicants have attempted to address each of the issues previously raised by the examiner, and would welcome an interview if that would help further prosecution of the subject Application.

The fee for the Request for Continued Examination and for the Petition for Three-Month Extension of Time are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing the above attorney docket number.

Respectfully submitted,

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